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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,777	07/29/2005	Marcus Steen	00009-007	5856
44012	7590	04/17/2007	EXAMINER	
WRB-IP LLP 1217 KING STREET ALEXANDRIA, VA 22314			LE, DAVID D	
			ART UNIT	PAPER NUMBER
			3681	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/526,777	STEEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 January 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This is the second Office action on the merits of Application No. 10/526,777, filed 29 July 2005. Claims 1-7 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:

- Information Disclosure Statement, received on 03/08/05
- Declaration and Power of Attorney, received on 07/29/05
- Copy of the Certified Copy of Foreign Priority Document, received on 03/08/05

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/92049 A1 (WO'049).**

#### **Claims 1-7:**

WO'049 (Figs. 1-2; pages 1-9) discloses a gearbox (i.e., Fig. 2, element 9) comprising:

- An unsynchronized basic gearbox (i.e., Fig. 2, being combination of elements 15, 17-26, 28-30, and 41-43);

- A synchronized split gear section (i.e., Fig. 2, being combination of elements 12-17 and 40);
- A synchronized range section (i.e., Fig. 2, vicinity of element 32);
- An electronic control unit (i.e., Fig. 1, element 45);
- An electronic gear selector (i.e., Fig. 1, element 46);
- Wherein the control unit controls engagement and disengagement of the gearbox (i.e., page 5, line 17 – page 7, line 3);
- Wherein the control unit is arranged so as, when input signals indicating that neutral position is selected are received, to put the at least one of the synchronized split gear section and range section in neutral position (i.e., page 5, line 16 – page 6, line 27);
- Wherein the control unit is arranged so as in the basic gearbox, a previous selected gear engaged while the neutral position of the auxiliary gear occupied (i.e., page 5, line 16 – page 6, line 27);
- Wherein the control unit is arranged to engage a stage of the at least one synchronized auxiliary gear when all unsynchronized gears of the basic gearbox are in the basic gearbox neutral position and an engine with which the gearbox is associated stops (i.e., page 5, line 16 – page 6, line 27).

***Response to Arguments***

5. Applicant's arguments filed on 15 January 2007 have been fully considered but they are not persuasive.

Applicants argue that the WO'049 reference does not disclose or suggest putting at least one synchronized auxiliary gear in a neutral position when a control unit receives driver shift input to put all unsynchronized gears of the basic gearbox in a basic gearbox neutral position.

Examiner respectfully disagrees because, as disclosed in WO'049, i.e., page 5, lines 16 – page 6, line 9, the driver shift input includes the throttle pedal position, which provides zero throttle indication. The control unit 45, after receiving such zero throttle indication, gives a signal to the servo device 40 to put the synchronized gear in a neutral position, which, in turn, puts all unsynchronized gears of the basic gearbox in a basic gearbox neutral position.

Accordingly, as set forth above, the WO'049 reference meets the claimed limitations.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David D. Le  
Examiner  
Art Unit 3681  
04/15/2007

ddl